

Response to Restriction
Requirement Dated November 3, 2003

Appln. No. 09/998,878

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November 7, 2003

REMARKS

This is in response to the Office Action dated November 3, 2003. Reconsideration is respectfully requested.

Election of Species and Sub-Species

Applicant hereby elects, with traverse, Species II, drawn to a tubular graft as illustrated by Figure 2. Applicant further elects Sub-Species (i), wherein second filamentary members forming the graft comprise metal. Applicant identifies pending Claims 1-3, 5-18 and 21 as readable on Species II, Sub-Species (i). Applicant further identifies Claims 1-21 as readable on Species II.

Traversal

Applicant respectfully traverses the restriction and notes that, according to the MPEP, Section 803, there are two criteria for a proper requirement for restriction:

- (1) the inventions must be independent or distinct as claimed; and
- (2) there must be a serious burden on the Examiner if restriction is required.

Applicant submits that there would not be a serious burden on the Examiner if all of the Species I, II and III and their Sub-Species (i) and (ii) were searched and examined in the same application due to the natural relationship between the articles. Efficiencies related to searching may even be

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realized if all species are examined together. Applicant, therefore, requests that the restriction requirement be withdrawn and all Claims 1-30 be examined.

Respectfully submitted,

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